AMENDMENT under 37 C.F.R. § 1.116
U.S. Appln. No. 10/017,047

REMARKS

Claims 1-27 are pending in the application. Claims 1-27 stand finally rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

CLAIM REJECTIONS.

35 U.S.C. § 102

Claims 1-2, 6-7, 10, 15-16, 18 and 24-25 continue to be rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,570,571 to Morozumi. Applicant respectfully traverses this rejection for the following reasons.

As previously discussed by Applicant, Morozumi discloses an image processing apparatus 1 including first through fourth geometry engines 21-24, each of which is a graphics processor for executing processing based on graphics commands received from command distributor 10. (Col. 2, ll. 39-54; Fig. 1). Each of the geometry engines 21-24 calculates a load of its own processing and if the result of calculation shows a processing load exceeding a threshold value, then a high-load signal HL1-HL4 is sent to the command distributor 10, which can prohibit further graphics commands from being transferred to a geometry engine until the high-load signal is released. (Col. 2, ll. 50-65).

Applicant continues to assert that it is readily apparent to the skilled artisan that Morozumi fails to teach or suggest a second monitor communicatively coupled to a first monitor as recited in Applicant's claims 1-14. Applicant previously pointed out that by virtue of the respectively claimed monitors being communicatively coupled to one another, Applicant's apparatus does not require the separate command distributor device 10 required by Morozumi.

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In the present Office Action, the Examiner summarily dismisses Applicant's arguments alleging that Applicant's claim "merely requires that the monitors be communicatively coupled" and "[t]here is no limitation that states the load monitors are communicatively coupled without a processing distribution element." (8/1/05 Final Office Action pg. 10-11).

Respectfully, the Office Action has still not shown, and Morozumi in fact does not disclose, any coupling that allows communication between any of its geometry engines 21, 22, 23, 24 (i.e., communicatively coupled). For example, lines HL1-HL4 are merely high output lines for providing a high-load signal to command distributor 10, as opposed to communicating anything to any another geometry engine. Further, it is evident from the arrow points in Morozumi Fig. 1, that the inputs and outputs of geometery engines 21-24 cannot possibly allow any communications between or amongst respective load status monitors. Accordingly Morozumi fails to teach or suggest at least a second monitor communicatively coupled to the first monitor as claimed by Applicant. Because the cited reference fails to teach or suggest at least this feature of Applicant's claims 1-14, *prima facie* anticipation has not been established.

However, should the Examiner continue to disagree, Applicant respectfully requests that the Examiner distinctly point out and explain the alleged communicative coupling between load monitors which is disclosed by Morozumi so there can be no question about the Office's position for purposes of appeal.

In respect to independent claims 15 and 24, Applicant previously pointed out that Morozumi does in fact not teach or suggest "*polling a first processor to determine if the first processor has sufficient capacity to execute a first set of instructions......*" as recited in the present claims.

Applicant agrees with the Examiner on pg. 11 of the latest Office Action, who states: "the processors of Morozumi monitor their own loads and subsequently indicate when a high-load condition has occurred by asserting its high-load signal" (e.g., HL1-HL4). Further Applicant

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agrees with the Office Action that "[t]he command distributor [10] executes in a loop, by periodically determining which processors [geometry engines 21-24] have asserted a high-load signal." (8/1/05 Final Office Action pg. 11).

However Applicant disagrees with the Examiner's statement that "[t]his directly corresponds to a 'polling of processor loads,' the feature in question." In rebuttal, Applicant respectfully points out that (i) "polling of processor loads" is not what is recited in the present claims; and (ii) no polling is ever performed in any manner by Morozumi.

In respect to item (i), Applicant notes that claims 15 and 24 actually recite "polling <u>a first processor</u>," as opposed to "polling of processor loads."

In respect to item (ii), simple observance of a high-load signal, which is <u>internal</u> to command distributor 10, and which is <u>never solicited</u> by command distributor 10 would not possibly be considered by one of ordinary skill in the art to be analogous to "polling a first processor." Accordingly, Applicant respectfully submits there is no polling of processor loads disclosed by Morozumi and thus Applicant's claims 15-27 are not anticipated by Morozumi.

For at least the foregoing reasons, Applicant submits claims 1-27 are not anticipated by Morozumi and Applicant respectfully requests reconsideration and withdrawal of the §102 rejections based on Morozumi.

35 U.S.C. § 103

Claims 4-5, 8-9, 11-14, 17, 19-23 and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morozumi in view of previously cited U.S. 6,317,840 to Dean and/or in view of U.S. 6,496,823 to Blank in further view of U.S. 2003/0012143 to Chen, and/or in view of U.S 5,842,029 to Conary. Applicant respectfully traverses these rejections for the following reasons.

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Prima facie obviousness is only established when three basic criteria are met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (MPEP 2144).

Each rejection relies on Morozumi as the primary reference to dislcose all of the elements in the independent claims 1, 15 or 24. As discussed above, Morozumi in fact fails to teach or suggest, and in fact teaches away from, the limitations of Applicant's claims including the first and second monitors which are communicatively coupled or polling the first processor. Since Dean, Blank, Chen and Conary also fail to teach or suggest these limitations, even assuming it would be proper to combine the references as suggested in the Office Action (*arguendo*), the resulting combinations still fail to teach or suggest all the features of Applicant's independent claims 1, 15 and 24. Accordingly, neither Applicant's independent claims nor the claims which depend there from can be rendered obvious by the cited prior art. (MPEP 2143).
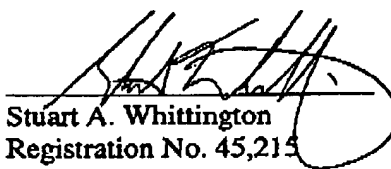
For at least the foregoing reasons, Applicant respectfully requests the Examiner to reconsider and withdraw all §103 rejections of record.

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CONCLUSION.

In view of the foregoing, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to **Deposit Account # 50-0221.**

Respectfully submitted,

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